

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In Re:
FRANK R JAKEL

Chapter 13
Case No. 2017-23698-BEH-13

Debtor

**NOTICE OF TELEPHONIC HEARING &
OBJECTION TO CONFIRMATION OF
MODIFIED CHAPTER 13 PLAN**

Now comes the Chapter 13 Standing Trustee, Rebecca R. Garcia, and objects to confirmation of debtors' Chapter 13 Plan filed on December 28, 2017, for the reason that:

Failure to pay all disposable income as required by §1325(b). The case was originally filed as a Chapter 7 case, when the case converted to Chapter 13, no Form B122C (means test) was filed for the Chapter 13 case. The Trustee cannot determine if the debtor is paying all his disposable income as required.

The plan does not provide that the value of property to be distributed under the plan is at least equal to the amount that would be paid on the unsecured claims in Chapter 7 liquidation. 11 U.S.C. §1325(a)(4). The schedules list that the debtor is entitled to an inheritance of an "unknown" amount. An exemption of \$12,650.00 has been claimed. If it is not clear what the value of the inheritance is, the Trustee requests a plan amendment that provides that if the amount received is greater than the allowed exemption, any proceeds above the exempt amount will be turned over to the Trustee for the benefit of unsecured creditors.

Finally, it is not clear what is owed to Debtors counsel. The plan does not match the amounts in the attorney fee disclosure form.

WHEREFORE, trustee prays for denial of confirmation of debtors' Chapter 13 Plan filed December 28, 2017.

NOTICE OF TELEPHONE HEARING

TO: FRANK R JAKEL
MARIA L JAKEL(NFS)

NICKOLAI AND POLETTI LLC
Trustee Rebecca R. Garcia

PLEASE TAKE NOTICE that a telephone hearing will be held via conference call before the Honorable Beth E. Hanan, United States Bankruptcy Judge, United States Bankruptcy Judge, on **February 20, 2018 at 10:30 AM**, to consider the Trustee's Objection to Confirmation of the Modified Plan filed December 28, 2017.

To appear by telephone, you must call the court conference line at 1-888-808-6929, and enter access code 9122579 before the scheduled hearing time. The court may already be in session, so please wait quietly on the telephone for your case to be called. [If represented by an attorney, the debtor is welcome, but not required, to participate in this hearing. If the debtor is not represented by an attorney, the debtor is required to participate in this hearing.]

Rebecca R. Garcia Chapter 13 Standing Trustee P O Box 3170 Oshkosh, WI 54903-3170 920.231.2150 Fax 920.231.5713 E-mail info@ch13oshkosh.com

Dated the 7th day of February 2018.

/s/ Rebecca R. Garcia

Chapter 13 Trustee

In Re:
FRANK R. JAKEL

Case No. 2017-23698-BEH-13

Debtor

Chapter 13

CERTIFICATE OF SERVICE

STATE OF WISCONSIN)
) SS
WINNEBAGO COUNTY)

Kristina L. Wilder, being first duly sworn on oath, states that she is an employee in the office of Rebecca R. Garcia, Standing Chapter 13 Trustee, P.O. Box 3170, Oshkosh, WI 54903-3170 and on the 7th day of February 2018, a copy of the trustee's Objection to Confirmation of Chapter 13 Plan filed December 28, 2017, was mailed in a first class postage paid envelope to the following:

FRANK R JAKEL
MARIA L JAKEL(NFS)
2113 S 21ST STREET
MANITOWOC, WI 54220

and the following were served electronically

NICKOLAI AND POLETTI LLC

Dated the 7th day of February 2018.
/s/ Kristina L. Wilder
 Kristina L. Wilder